IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.T.R. No.175 of 1998
Date of decision: 28.10.2006

The Commissioner of Income-tax, Ludhiana.

-----Applicant

Vs.

M/s Jolly Hosiery Factory Pvt. Ltd. Ludhiana.

-----Respondent

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE RAJESH BINDAL

Present: Mr. S.K. Garg Narwana, Advocate
for the revenue.

ORDER:

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh, arising out of its order dated 13.06.1997 in I.T.A. No.1124/Chandi/93 in respect of assessment year 1990-91:-

> "Whether, on the facts and in the circumstances of the case, the Tribunal is right in holding that while calculating book profit u/s 115J, depreciation was to be allowed as per the provisions of the Income-tax Rules rather than the provisions of the Companies Act, 1956 and the said view of the Tribunal based entirely on the opinion expressed by the then Chairman of CBDT?"

In view of our judgment rendered today in I.T.R. No.100 of 1999 ***The Commissioner of Income Tax, Ludhiana*** **v.** ***M/s Sona Woollen Mills (P) Limited, Ludhiana***, the question referred is answered against the revenue and in favour of the assessee.

(ADARSH KUMAR GOEL)
JUDGE

October 28, 2006
ashwani

(RAJESH BINDAL)
JUDGE